

STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION FY2016R8(1)

PILOT PROGRAM FOR SPECIAL OCCASION EVENTS ON PRESERVED FARMLAND  
AMENDMENT THERETO AND DELEGATION OF REVIEW AUTHORITY FOR EVENTS  
CONDUCTED ON CERTAIN DAYS TO CADBS

WHEREAS, P.L. 2014, c. 16 (N.J.S.A. 4:1C-32.7 et seq.) (“the Act”), effective July 2, 2014, directs the State Agriculture Development Committee (SADC) to establish a 44-month pilot program permitting special occasion events to be conducted on preserved farmland at wineries under certain conditions (the “Pilot Program”); and

WHEREAS, on October 3, 2014, the SADC approved the creation of the Pilot Program, including a description of the various responsibilities of the SADC, county agriculture development boards (CADBs), municipalities and winery owners under the Act; and

WHEREAS, on March 26, 2015, the SADC adopted RESOLUTION FY2015R3(6), which reaffirmed the SADC’s establishment of the Pilot Program covering the period from the effective date of the Act, July 2, 2014, to March 1, 2018; and

WHEREAS, the SADC seeks to further ensure the proper functioning of the Pilot Program, including the role of the CADBs, the delegation of certain SADC review authority, and the compliance of affected wineries with the provisions of the Act;

NOW THEREFORE BE IT RESOLVED, the SADC establishes the following procedures for wineries subject to the Pilot Program:

1. A winery that is subject to the Pilot Program shall, at least annually, submit a Registration for Conducting Special Occasion Events on Preserved Farmland to the State Agriculture Development Committee (SADC) and file a copy with the CADB, in a form substantially the same as the one attached hereto as Exhibit A, containing the following:
  - a. A description of the winery, including the types, frequency and dates (if dates are known) of special occasion events held at the winery;
  - b. A property survey or site plan depicting the preserved areas and the areas to be used for special occasion events;
  - c. A certification by the winery’s chief executive officer, or other properly designated officer with the power to bind the winery,
    - i. certifying the winery owner/operator understands and will comply with the Pilot Program’s requirements set forth in the Act, specifically, N.J.S.A. 4:1C-32.8a.(1) through (11);
    - ii. acknowledging it is subject to an audit consistent with N.J.S.A. 4:1C-32.9a.(1) and (2), and
    - iii. is subject to civil penalties pursuant to N.J.S.A. 4:1C-32.10 for failure to comply with any requirement of the Act.

2. CADBs have the authority to define a “special occasion event” pursuant to N.J.S.A. 4:1C-32.7. In accordance with N.J.S.A. 4:1C-37.8a.(3), the SADC is authorized to, and hereby delegates to the respective CADBs, its authority to approve special occasion events conducted on days other than Friday, Saturday, Sunday, or federal or State holidays by wineries located within the CADBs’ respective jurisdictions, subject to the conditions set forth in paragraphs 3 through 5 of this Resolution. The SADC reserves the right to revoke this delegation.
3. A winery subject to the Pilot Program that wishes to conduct a special occasion event, including recurring events, pursuant to the Pilot Program on days other than Friday, Saturday, Sunday, or federal or State holidays shall submit an application to the CADB, in a form substantially the same as the one attached hereto as Exhibit B, containing, at a minimum:
  - a. A detailed description of the special occasion event it proposes to conduct, including but not limited to, the following:
    - i. the nature of the event to be held;
    - ii. the anticipated number of attendees;
    - iii. the anticipated number of cars or other vehicles that will be present and how parking will be accommodated;
    - iv. a description of any outdoor amplified music or other outdoor amplified sound expected to be utilized during the event including, but not limited to, music, performances, contests, announcements, or other communications whether live or recorded; and
    - v. a copy of the tax map and description of the types of land use surrounding the winery property including adjacent residential buildings, commercial establishments and places of worship and the distance from the proposed special occasion event to those surrounding land uses;
  - b. The specific day or days on which the winery proposes to conduct the event, and the time period during which the event will be held; and
  - c. Proof that the winery has filed with the SADC and CADB the Registration for Conducting Special Occasion Events on Preserved Farmland, including the required certification, in accordance with paragraph 1 of this Resolution.
4. The CADB shall review and approve the application submitted pursuant to paragraph 3 of this Resolution if it meets the following requirements:
  - a. The application contains the information required by paragraph 3 of this Resolution;
  - b. The event proposed to be conducted complies with the CADB’s definition of “special occasion event,” adopted pursuant to N.J.S.A. 4:1C-32.7;
  - c. The CADB finds that the event will not likely disturb the quiet enjoyment of adjoining properties during evening and night time hours; and

- d. The CADB finds that the event likely will not result in significant traffic impacts on surrounding public roadways including during typical peak traffic periods or interfere with school bus route schedules.
5. If a CADB approves an application, it shall notify the applicant of the approval, and file a copy of the approval with the Executive Director of the SADC and the Mayor/Administrator of the municipality in which the event will occur. The approval shall be effective for not more than one year and may, upon application, be renewed annually thereafter by the CADB, provided the conditions set forth in paragraph 4 of this Resolution have been satisfied.

BE IT FURTHER RESOLVED, that this approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey; and

BE IT FURTHER RESOLVED, that this approval is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4F.

8/27/15

Date



Susan E. Payne, Executive Director  
State Agriculture Development Committee

**VOTE WAS RECORDED AS FOLLOWS**

Douglas H. Fisher, Chairperson	YES
Renee Jones (rep. DEP Commissioner Martin)	YES
James Requa (rep. DCA Acting Commissioner Richman)	YES
Ralph Siegel (rep. Acting State Treasurer Romano)	ABSTAIN
Brian Schilling (rep. Executive Dean Goodman)	YES
Jane R. Brodhecker	YES
Alan A. Danser, Vice Chair	ABSENT
James Waltman	YES
Peter Johnson	YES
Denis C. Germano	ABSENT



## EXHIBIT A

### REGISTRATION FOR CONDUCTING SPECIAL OCCASION EVENTS ON PRESERVED FARMLAND

Name of Winery: \_\_\_\_\_

Address of Winery: \_\_\_\_\_

Tax Block/Lot of Winery: \_\_\_\_\_  
Municipality, County \_\_\_\_\_

CEO/Principal Officer: \_\_\_\_\_

Telephone: \_\_\_\_\_

- A. Please provide a general description of the winery, including years of operation, number of acres of grapes grown on the winery operation, and how wine is marketed for sale. Feel free to include any information you want to share.

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- B. Please provide a property survey or site plan depicting the preserved areas and the areas to be used for special occasion events (please check one):

\_\_\_\_\_ Farmland Preservation Program survey

\_\_\_\_\_ Winery site plan

\_\_\_\_\_ Other (please specify): \_\_\_\_\_

- C. Please list and describe all special occasion events covered by this registration, including frequency and dates (if dates are known). ***Please note that for events to be held on days OTHER THAN Friday, Saturday, Sunday, or federal or State holidays, an application***

*must be submitted to the County Agriculture Development Board (CADB) for review and approval.*

EVENT NAME AND DESCRIPTION	FREQUENCY	DATES
(Example)  Wedding receptions – either cocktail-type or sit down dinners. Outside caterer supplies food. Located in the main winery building.	2 X per month	Usually 1 <sup>st</sup> and 3 <sup>rd</sup> week of the month

### CERTIFICATION OF COMPLIANCE

Please answer the following questions:

		YES	NO
(1)	Will the gross income generated by the winery from all special occasion events conducted for the calendar year together account for less than 50 percent of the annual gross income of the winery?		
(2)	Will the special occasion events hosted use the agricultural output of the winery, to the maximum extent practicable, promote agricultural tourism and advance the agricultural or horticultural output of the winery?		
(3)	Does the winery request to conduct events outside of Friday, Saturday, Sunday, or federal or State holidays?		
(4)	Will the special occasion events being proposed be conducted in one of the following:(a) a temporary structure, such as an enclosed or open canopy or tent or other portable structure or facility, and any temporary structure would be put in place for only the minimum amount of time reasonably necessary to accommodate the special occasion event; (b) an existing		

	permanent agricultural building; (c) a farm or open air pavilion; or (d) another structure used in the normal course of winery operations and activities?		
(5)	Will the special occasion events being hosted comply with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, and traffic and the protection of public health and safety?		
(6)	Will the winery operate in compliance with site plan review and any applicable development approvals, as may be required by the municipality?		
(7)	Will the special occasion event comply with noise standards, as set forth in the Noise Control Act, N.J.S.A. 13:1G-1 et. seq.?		
(8)	Will the special occasion event comply with any applicable municipal ordinance that restricts the performing or playing of music inside the winery's buildings and structures?		
(9)	Will the special occasion event end at a time compliant with any applicable curfew established by municipal ordinance?		
(10)	Will the special occasion event not knowingly result in a significant and direct negative impact to any property adjacent to the winery?		
(11)	Will the winery enforce State and federal requirements concerning the legal drinking age?		
(12)	Does the winery certify that, by entering the Pilot Program, it consents to an audit at its own expense to determine compliance with the Pilot Program law?		
(13)	Does the winery certify that it is subject to civil penalties of up to \$3,000 if it conducts special occasion events on its preserved farmland in a manner inconsistent with the Pilot Program law, including the requirements outlined on this form?		

**CERTIFICATION:**

I hereby certify that the above responses are accurate, and that if approved, the winery will conduct the listed special occasion events in accordance with the provisions of P.L. 2014, c. 16.

\_\_\_\_\_  
CEO/Principal Officer

DATE: \_\_\_\_\_

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SADC meeting.docx

**APPLICATION TO CONDUCT SPECIAL OCCASION EVENT ON PRESERVED FARMLAND**  
**(On other than Friday-Sunday or State/Federal Holidays)**

Pursuant to P.L. 2014, c. 16, a special occasion event may be conducted at a winery on preserved farmland on days other than Friday-Sunday or a State or Federal holiday only with the prior approval of the State Agriculture Development Committee (SADC), or the County Agriculture Development Board (CADB) if the SADC delegates its approval authority to that Board. The SADC has delegated its approval authority for special occasion events on these days to the CADBs subject to certain conditions.

Please complete this application and submit it to your CADB with the documentation required below.

Name of Winery: \_\_\_\_\_

Address of Winery: \_\_\_\_\_  
\_\_\_\_\_

Tax Block/Lot of Winery: \_\_\_\_\_

Municipality, County \_\_\_\_\_

CEO/Principal Officer: \_\_\_\_\_  
Print Name \_\_\_\_\_  
Signature \_\_\_\_\_

Telephone: \_\_\_\_\_

Date of Application: \_\_\_\_\_

The attached **Event Description form** must be completed for each event for which approval is sought. If the event is of a recurring nature, one form may be submitted provided that it adequately addresses the information requested. Approvals are effective for up to a year before a new application is required.

All applications must include proof that the winery has filed with the SADC and CADB a **Registration for Conducting Special Occasion Events on Preserved Farmland, including the required Certification of Compliance with P.L. 2014, c. 16**. Please provide such proof as an attachment to this application.

**Please provide a copy of the tax map for the preserved farm and indicate on it the surrounding land use(s) – e.g., adjacent residential buildings, commercial establishments and places of worship – and the distance(s) from the proposed special occasion event to the surrounding land use(s).**



APPLICATION TO CONDUCT SPECIAL OCCASION EVENT – EVENT DESCRIPTION FORM

EVENT \_\_\_\_\_

DATE(S) & TIME PERIOD(S) DURING WHICH THE EVENT WILL BE HELD E.g., 5/22/2015, 2 to 4 p.m.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DETAILED EVENT DESCRIPTION** Include where it will be held – e.g., winery building, tent, other structure, patio – nature of activities, whether there will be caterers or other vendors and what they will supply, how wine will be marketed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ANTICIPATED NUMBER OF ATTENDEES PER EVENT \_\_\_\_\_

ANTICIPATED NUMBER OF CARS/VEHICLES PER EVENT \_\_\_\_\_

**DESCRIBE HOW PARKING WILL BE ACCOMMODATED** For existing parking areas that will be used for the event, specify location, capacity and type of area (e.g., paved or gravel parking lot). For any area(s) to be used for overflow parking for the event, specify location, capacity and use the rest of the year (e.g. gravel farm yard, farm lanes, hayfield).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DESCRIBE ANY OUTDOOR AMPLIFIED MUSIC/SOUND** E.g., music, performances, contests, announcements, or other communications whether live or recorded. Describe amplification equipment to be used.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please attach additional pages if you wish to provide additional information or more space is required.*

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